



WARDEN DOW.

looking at the defendant, who stood but a few feet from him, in front, and then at the dead, said: "He murdered you for a receipt that was on your body representing thirty-eight hundred dollars, and you never ran away, nor he never gave you a dollar." To this accusation the defendant made no reply, but dropped his head and looked on the ground. He was finally placed under arrest, and thereafter made various conflicting statements respecting the manner of keeping the \$3,800 which he claimed he gave Mr. Hay on the night of the murder.

## MONEY IN A SACK.

Before his arrest he stated he had kept the money, part in a sack and part loose, on the east wall in his cellar. Afterwards, according to the testimony of the witness Penrose, the defendant, in answer to a question as to whether he kept the money in quart jars, replied: "Yes, I had three jars full of 20-dollar gold pieces." The same witness said he had told him on the day before that he had kept the money in a sack. The witness Sheets said the accused stated to him that he had three glass jars full of 20-dollar gold pieces, and had kept them in the cellar. The witness Hilton stated that the defendant told him that he had the money he paid Mr. Hay, in two glass jars in the basement on the wall. The witness Cummock testified that he said to him "he had had the money in the three jars in the cellar, and some in one jar in the pantry."

Several witnesses, it appears, examined the east wall of the cellar, on the day after the homicide, and, at the trial, testified to the effect that, on the top of the wall, where the defendant claimed to have kept the money, there was considerable dust, and that the dust was undisturbed. There were four openings for windows in the cellar, but the windows had not been put in and the spaces were open. There is much other evidence in the transcript showing discrepancies in the accused's statements as to the money.

The prosecution having produced a jar in evidence, produced \$3,800 in \$20 gold pieces and demonstrated that they did not make one jar full. Respecting a conversation, in regard to the payment of the money to Mr. Hay, the witness Charles F. Watkins, brother-in-law of defendant, testified: "I asked Peter if he could show that he had paid Mr. Hay the money. He said he could, but he says per books are in such a shape that it will be necessary for me to represent that you have loaned me from \$1,000 to \$1,500. I will be able to tell you and show you, after I am out of this trouble, that I had the money and paid Mr. Hay the money." Upon being informed that the bank account of the witness would not permit such representations, the defendant said: "You and Dick (mean-

money and his transactions, on the fatal night, with the deceased, the prosecution introduced a vast amount of evidence respecting the defendant's business transactions, his payment and receipt of money, and his bank accounts, for several months immediately preceding the night of the murder, which evidence, too voluminous to state here in detail, strongly tends to show the impossibility of the defendant having had in his house, on the night of the 16th, and paid the deceased \$3,800, and it seems to establish beyond all reasonable controversy, the fact that the defendant's statements in that regard were untrue.

## THE FATAL SHOT.

It is further shown in evidence that at about 9:30 o'clock, on the night of the 16th, a shot was fired, and heard from the direction of the grave, and the proof shows that after the body was exhumed, it was found that the deceased had been shot in the head "four inches back of the ear, and on a line with the ear, and beneath the scalp."

The witness, Allen, who was the mortician on a street car that night, testified positively that at about 10:20 o'clock on the night of the 16th, he observed, as his car was approaching the intersection of the street car track with the railroad track, running east and west past the grave, a man walking west on the railroad track, in the direction of where the grave was afterwards found, and that, when the car got within 60 or 70 feet of the man, he recognized him as the defendant. The witness stated that he saw his face in the moonlight and looked at him; that he was carrying a shovel; and that the defendant looked at the mortician. The proof further shows that before the body was exhumed, there was blood found on the railroad track opposite the grave, and there were also spots of blood leading from the railroad track to the grave.

## REVEALED BY GOD.

On cross-examination, counsel for the

of the court was written by Justice Bartch and concurred in by Chief Justice Haskin and Justice McGarry. A petition for a rehearing in the supreme court was then filed and, on Sept. 17, 1903, it was denied.

## SECOND DEATH SENTENCE.

The date for re-sentencing Mortensen was then fixed by Judge Morse for Sept. 26, 1903, but upon that date the second motion for a new trial was filed and the date for hearing arguments on the same and, for passing sentence was continued until Oct. 3, 1903. The second motion was based upon the grounds of newly discovered evidence in connection with the alleged misconduct of the jurors at the scene of the murder. It was argued at considerable length and was overruled upon the last named date. During the arguments on this motion all but one of the 12 jurors who served in the case were present in the courtroom and occupied their accustomed seats in the jury box.

## THE PRISONER'S SPEECH.

The largest crowd in attendance during the entire proceedings connected with the case was present during the arguments on the second motion for a new trial. The people were attracted by the rumor that Mortensen would make a speech in his own behalf before sentence was again passed upon him. They were not disappointed, for he spoke about an hour, making one of the most remarkable speeches ever delivered by a prisoner before a bar of justice. His arguments were rambling and disconnected at times, while at others he became very eloquent, forcible and dramatic, in his remarks. At the conclusion of his speech, Judge Morse again sentenced him to be shot on Nov. 20, 1903, between the hours of 10 a. m. and 2 p. m.

## APPEAL DISMISSED.

On Oct. 17, 1903, defendant's petition for a second certificate of probable cause of appeal to the supreme court

## MORTENSEN AND OTHER CRIMES.

Name of this Notorious Man Associated With the Killing of Peter Brown.

## MYSTERY REMAINS UNSOLVED.

Also Accused Directly of Shooting and Robbing a Chinaman That Lived Near His Home.

Early in the year 1897, Peter Brown, proprietor of a small grocery store and butcher shop on the corner of Second East and Fifth South, was found dead in his bed. A bullet hole in his head bore mute testimony of the cause of his taking off. He was lying on his bed, his body bathed in his life's blood and a revolver lying close at his side. Police officers and deputy sheriffs were summoned to investigate the case, for the question, as to whether it was murder or suicide, had been raised, and every effort was made to establish one or the other of these causes.

Brown was quite heavily insured in various fraternal societies, and officers have contended that the dead man's relatives were anxious to prove that a murder had been done, in order to collect the insurance. But nothing absolutely definite was ever established, and in the minds of many Salt Lakeers the case presented one more unsolved murder mystery. But in the minds of Detectives Sheets and Raleigh, who were interested in the investigation which extended over a period of several weeks, there has never been any doubt that Brown killed himself. In support of this contention, they cite the fact that Brown had, a short time prior to his death, been a victim of that ancient swindle known as the "green goods game." He had received a letter from New York explaining to him a get-rich-quick scheme. For a certain amount of money he was offered a large amount of bogus greenbacks. It was represented to him that the green goods were so well executed that detection was next to impossible. Brown scraped together the necessary amount of money and went to New York, presumably to get the counterfeit currency. Shortly after his return, his dead body was found, and among his effects was a package of plain papers cut in the size of greenbacks. Instead of getting the counterfeit currency, he was given simply common paper. The disappointment and the loss of his money so preyed upon his mind, the officers say, that he became despondent and committed suicide. That is one story. The other is that he was murdered in cold blood. It was claimed at the time that, in spite of the fact that Brown had been duped by the eastern sharpers, he returned to Salt Lake with nearly \$1,000; that this fact became known, and that he was killed for his money. Several persons who were known at the time to associate with Brown, were watched day and night by the police, but nothing came of it.

## MORTENSEN SUSPECTED.

Since the murder of James R. Hay by Peter Mortensen, strange and sensational rumors have been afloat, in which Mortensen was practically accused of the murder of Brown. This story became current just after Mor-



ACTING WARDEN WRIGHT.

arm and robbed him of something over \$70. When the Mongolian was shot he fell to the floor and pretended that he was dead. The robber, whose face was partly concealed by a handkerchief, searched the place and found the Chinaman's money and departed. The wounded Celestial was brought to the police station, where he told a rambling story. At that time he mentioned no name, and the affair was soon overshadowed by the more important events that closely followed. But after the arrest of Mortensen, the Chinaman told an officer that Mortensen was the man who shot and robbed him. Asked why he did not then accuse Mortensen of the crime and have him arrested, the Chinaman replied that he kept silent for fear Mortensen would make another attack on him and finish the job. A "News" reporter interviewed the Chinaman when the story first leaked out but could get him to neither deny nor affirm the rumor. Finally he told the reporter to see one of the deputy sheriffs to whom he had talked. The officer could only repeat what he had first said; that the Chinaman was positive that Mortensen was the man who tried to kill him. The theory has been advanced that Mortensen committed the deed because he was in desperate need of funds with which to meet the obligation held against him by the Pacific Lumber company. It will be remembered that the day Hay's body was found, the Chinaman disappeared and was not heard of for several days; when he was found by a reporter on this paper. When asked why he did not remain at his home, he replied: "Oh, and allow same old. Too much noise about here." For several days he remained on Plum alley with some of his countrymen and did not return to his home until the excitement over the murder had subsided.

## SCIENTIFIC MISCELLANY.

A curious illusion of vision is being studied by Dr. George M. Gould of Philadelphia. It is the apparent movement of a distant bright light—such as an incandescent electric light—two or three miles away—and it can best be observed by looking steadily at the light on a dark night, with precautions to shut from the field of view other lights or objects that would tend to fix the location of the point under observation. With the right eye

alone, the light seems to move slowly to the right and then upward, while the left eye usually but not always sees the light move to the left and sometimes also upward. Dr. Gould supposes the movements to be caused by the mechanism or physiology of the brain center from vision, and believes that this hitherto unexplained phenomenon may prove of far-reaching interest as connected with ghosts, telepathic visions, the illusions of delirium tremens, etc.

The idea that comets are connected with radio-active substances was suggested by T. C. Chamberlain as long ago as July, 1901. Prof. C. V. Boya now considers that radium, whose particles are shot out at a twelfth of the velocity of light, may explain some of the phenomena of comets' tails, as these particles would be sent away from the electrically-charged surface of the sun in a single, double or multiple stream. The negatively charged rays that radium is said to give out would be attracted, giving the tails that on a few occasions have pointed toward the sun.

The "diseases of metals" are becoming so well recognized by German metallurgists that the imperial navy yard at Wilhelmshafen regularly sends samples to the dissecting table of Prof. Heya, who diagnoses the maladies, and endeavors to prescribe remedies.

The shortness of breath and heart weakness of fat people are found by Dr. L. Menard, a French physician, to be not wholly due to superabundance of flesh. The disease of obesity is that of imperfect assimilation and dissimulation, the blood being filled with the incompletely oxidized products of the latter process, and by training and systematic exercise it is possible to correct the fault of nutrition, so that health and strength may be enjoyed, even without reduction of weight. The world's champion weightlifter in 1901—excelling in running as well as in strength—weighed 277 pounds, although only five feet tall. In height, this weight being 132 pounds above the accepted standard for his height. The disturbance of nutrition may even be brought about by lessening the weight through diet cures or the too exclusive use of meat, but a slightly reduced diet, especially a diet of milk and vegetables, together with methodical exercise, usually gives both reduction of weight and a correction of the lung and heart derangements of obesity.

The migration of birds is being studied in a new manner by German ornithologists. Hundreds of thousands of crows are being banded and tagged in East Prussia, and, after being tagged with a number and the date are again liberated. It is requested that any one who sees a banded bird is killed, the tag and the date and place of killing shall be forwarded for record.

A novel watch in Berlin is in the form of a ball which moves imperceptibly down an inclined plane without friction. There is no spring, the sliding giving motion to the hands, and the trip from top to bottom of the inclined surface, a distance of 16 inches, requires 24 hours. The ball is then lifted again to the top.

The birds of Lapland are reported by H. Goebel to number 198 species. Of these, 133 certainly breed in that country, 81 probably do so, 10 are stragglers and 6 winter visitors, one is an ocean species, and seven are seen only in the Solovetski islands.

The best iron sand, quite black and containing 35 or 40 per cent of metal, is claimed by the British colonies. It is calculated that there are 1,200 miles of it along the coast of the Gulf of St. Lawrence in Canada, 200 miles in New Zealand, and about 80 in British Columbia, and it is also found in Ireland. A prize of about \$100,000 has been offered by the government of New Zealand for a satisfactory method of extracting the iron. Many processes have been tried, but one of the most promising seems to be now under test at Lambeth, England, where the iron is first separated by magnets, then formed into briquettes through the aid of a secret fluid, and is finally heated in the furnace. As only half the ordinary amount of coke is required, the process is expected to materially reduce the cost of pig-iron.

Some mysterious deaths of cattle in Alderney have been traced to a curious source. Mercury was found in the dead animals, and also in many meadows and gardens, and the presence of the poison is attributed to a recent explosion of a factory for fulminate of mercury. The fumes from the explosion were carried to a distance by a strong gale. As a result of the incident the use of fulminate of explosives in the island has been prohibited.

## OTHER NOTABLE UTAH EXECUTIONS.

The earliest executions on record in Utah occurred in the first half of the '60s when "Jase" Luce and John Ferguson paid the penalty for murder in the first degree. Luce was executed in the yard of the old courthouse for the murder of a stranger in front of the old Salt Lake House on East Temple street, whom he killed during a drunken quarrel. Ferguson was executed just outside the old city wall, north of the city cemetery. He died at the hands of the hangman of Utah was that of John D. Lee, which took place in 1877 on the scene of the Mountain Meadows massacre, which occurred twenty years previous, and for participation in which crime Lee was executed.

Following that of Lee was the execution of Wallace Wilkerson, who murdered a stockman near Pelican Point on the west side of Utah lake, at Provo, May 15, 1878.

When it comes to a trial of extended interest, that of Fred Welcome, alias Hopt, possibly surpasses any other in the history of the state. The prisoner was given four separate trials and seven years elapsed between the commission of the crime and his execution. These trials cost the territory in the neighborhood of \$25,000. He was eventually executed within the walls of the prison, August 11, 1887.

Enoch Davis, 48 years of age, paid the penalty for murder in Utah county on Sept. 14, 1894. It was proven that he had murdered his wife by cutting her throat with a knife and buried the body in a potato pit in the yard of his homestead.

Charles Heide, the Murray wife murderer, was the only criminal in the history of the state to elect hanging instead of being shot. He was executed in the county jail yard in this city, August 7, 1896.

Patrick H. Coughlin, the boy bandit who started in with the theft of a box of strawberries and succeeded in killing two officers before arrested a week later, after a long and stern chase, was the last man to be legally shot to death in this state prior to this morning. His execution occurred in Rich county on December 7, 1899.

## MORTENSEN'S EARLY LIFE—BORN IN RICHFIELD 38 YEARS AGO.

Peter Mortensen was born in Richfield, this state, 38 years ago and has resided in Utah practically all his life. During his trial, his aged father, M. F. Mortensen, said to a "News" representative:

"It is hard for me to believe that Peter can be guilty of this terrible crime. I regard all my sons as being good boys, but Peter is the last one I would suspect of such a thing. In all his life he has never given me any trouble whatever. He has always been gentle, kind and straightforward, and I can say that I never knew Peter to tell a willful lie in his life. Of course if he is guilty he is no better than any other man and will have to abide by the consequences."

Beyond this statement, but very little is known of Peter Mortensen's early life. What education he received was in the public schools, but architecture and mechanical work of almost every kind seemed to come natural to him, and during his early manhood there was every reason to believe that he would make a success of his calling—that of contractor and builder.

Several years ago he married one of the Watkins girls of Provo and lived there for a time. Subsequently he went to Ogden to make his home and there engaged in contracting and building with considerable success. He was also interested in a lumber mill there, but that was burned down some time prior to his moving to Salt Lake. It has been hinted by some who were acquainted with him during his residence in the Junction city, that he burned the mill himself, but it is not reasonable that he did so in view of the fact that at the time of the fire there was no insurance carried on the mill.

Manager Ernest Romney of the Pacific Lumber company, the concern that Peter was indebted to for more than \$3,800, knew the man probably as well as anyone in this city. Speaking of Mortensen the other day, Mr. Romney said:

"He was a man of no mean ability, although he did not impress one as being exceptionally bright, that is, on short acquaintance. He was very determined and impressed me as being a man who, when he set his mind to accomplish a thing, would overcome any obstacle that might appear in his way. If he got an idea that he should do a thing in a certain way, you could not change him, and even if he gave his mistake, he would make some excuse to justify himself. As a contractor he understood his business, and as an architect he had considerable ability. He has drawn plans for some very beautiful houses and could do almost any kind of work in that line."

Since residing in Forest Dale, up to the time of his arrest for the murder of Hay, Mortensen bore a good reputation among his neighbors. Many of them have declared that he was a man who appeared to love his family and who took great pride in his home life. They say he was kind to his wife and children and always cared for them as a kind and loving husband and indulgent father should. He took considerable interest in church work, they said, and generally conducted himself as a man who was trying to do right by everybody with whom he associated. It was a great shock to the community when he was taken into custody and charged with the foul crime, and scores of his neighbors refused to entertain the belief that he committed the deed until he failed so miserably to explain away the damning evidence that appeared against him. His promise to set matters right when the proper time came, and his failure to do so, is what caused the people to shake their heads sadly and say: "It is hard to believe it of him, but he can give no satisfactory explanation of his acts on the fatal night of December 16th, and he must be the guilty man."

Soon after his arrest, his wife went to Ogden to live with her brothers. She had not seen him since the 29th of December, two days after the finding of Hay's body. Mortensen is the father of five children, one of them having been born in Ogden since his conviction of murder.

## SCENE OF THE EXECUTION.

The arrangements for the execution were made with much deliberation. The east corner of the prison yard. The blacksmith shop, indicated by the star, instead of the customary tent, the doors being covered with a piece of canvas. From the blacksmith shop doors, shows the exact spot chosen for the placing of the chair in which the prisoner was to die.

box which was "in the attic behind the chimney," and that on the next day, upon telling him that he found that money, the defendant ordered it to be given to his wife.

In addition to the testimony above quoted and referred to, affecting the defendant's statements regarding the

defendant, elicited from the witness, James Sharp, the statement that the witness had received a revelation from God that the defendant had killed his son. The witness, upon being pressed by counsel, after stating that God had revealed it to him, said: "He told me, as proof to Peter Mortensen, he had killed my son; he was the man that killed him, his dead body would be dug up within 24 hours within a mile of that place, buried in one of these fields."

## THE FIGHT FOR LIFE.

Brief Detailed Story of the Legal Steps in the Case.

The legal battle which was waged to save Peter Mortensen from paying the death penalty for his atrocious crime has been one of the longest, most interesting and widely known, as well as one of the hardest fought criminal cases in the history of the state, and equalled in that respect by very few in the international country for a number of years past.

The regular trial lasted nearly two months and created the most intense interest throughout the entire west. At its conclusion, after a verdict of guilty in murder in the first degree was rendered, the real struggle for the life of the convicted man was commenced.

Twice was there a motion for a new trial made and argued in his behalf by his able counsel, Messrs. C. B. and B. J. Stewart, both of which motions were denied by Judge C. W. Morse, who presided at the trial. Twice was the case appealed to the supreme court of this state, but both appeals were unsuccessful. The last plea made by Mortensen's attorneys was made before the state board of pardons on Saturday, Nov. 14, when they asked that his sentence be commuted to life imprisonment. But of no avail was the eloquent appeal for clemency at the hands of the board for the application for commutation of sentence was denied by a unanimous vote. One other step was taken after the board refused to commute his sentence. A petition was filed in the supreme court asking for rehearing of the second appeal before that court. This also was denied.

## THE VERDICT OF GUILTY.

The verdict of guilty was rendered on June 14, 1902, and on June 19, 1902, the first motion for a new trial was filed by his attorneys. This motion was based on the grounds of errors committed at the trial and the misconduct of the jurors while visiting the scene of the homicide. The motion was argued and overruled on Aug. 27, 1902, and, on Sept. 2, the convicted man was brought before Judge Morse and sentenced to be executed on Oct. 17, 1902, between the hours of 10 o'clock a. m. and 2 p. m. A certificate of probable cause of appeal to the supreme court was issued by Judge Morse on Sept. 2, 1902.

## APPEAL FILED.

The appeal was filed in the supreme court on Feb. 27, 1903, and was argued before the court on May 20, 1903. Attorney Gen. Bredem and District Attorney presented the arguments in behalf of the state and Attorney B. J. Stewart argued in behalf of defendant. On Aug. 12, 1903, the supreme court handed down its opinion affirming the judgment of the lower court. The opinion

The spot selected was in the south-east corner of the prison yard. The blacksmith shop, indicated by the star, was chosen for the shooting squad line. The cross on the east wall, 24 feet from the blacksmith shop doors, shows the exact spot chosen for the placing of the chair in which the prisoner was to die.

Photo by Shipley.



Photo by Shipley.

## EXTERIOR VIEW OF THE UTAH STATE PRISON.

was denied, whereupon the second appeal was perfected at once and filed in the supreme court on Oct. 29, 1903. This appeal was argued on Oct. 29 and was dismissed on Oct. 30, 1903. Chief Justice Bartch concurred in the dismissal of the appeal, while District Judge Mortensen, who sat in the case in the place of Justice McGarry, dissented in a lengthy and forcible opinion. He contended that the conduct of the jury while visiting the premises was prejudicial to the rights of defendant and hence the case should have been remanded with instructions to at least permit Royal B. Young, the special officer of the court, who had charge of the jury at the scene of the murder, to testify as to what really occurred there and what conversation took place between himself and the jurors at that time.

## PARDON BOARD DENIAL.

To give the defendant an opportunity to have a hearing before the state board of pardons, the board held a special meeting a week before its regular meeting day and considered Mortensen's application for a commutation of sentence. At that hearing, which was held on Saturday, Nov. 14, Royal B. Young was summoned to appear and, for the first time, related under oath what really occurred when the jury visited the premises. That nothing prejudicial to his rights occurred there is quite evident from the fact that the board refused to commute defendant's sentence. After the denial of a second petition for a rehearing before the supreme court, it was rumored that Mortensen's attorneys would attempt to take the case up to the supreme court of the United States. Nothing materialized in that respect, however, so, with the plea before the board of pardons, the legal fight ended and the penalty of death was paid today.

Photo by Shipley.

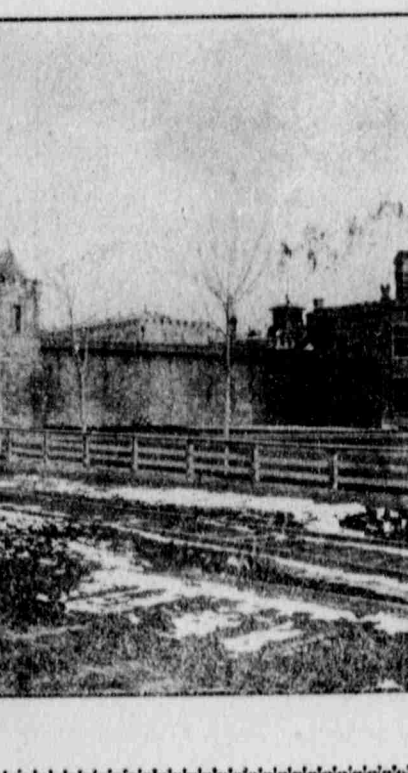


Photo by Shipley.